

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GARY JONES,

Plaintiff,

Case Number: 05-CV-74140-DT

v.

JUDGE PAUL D. BORMAN
UNITED STATES DISTRICT COURT

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

_____ /

**ORDER *SUA SPONTE* DISMISSING PLAINTIFF'S COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION**

Plaintiff Gary Jones has filed suit against the Federal Bureau of Investigation ("FBI"), alleging that his state and federal civil rights were violated under the United States Patriot Act ("Patriot Act").¹ Plaintiff's two page Complaint alleges that Defendant used the Patriot Act to "take away human rights, . . . human dignity, . . . [and] human freedom." (Compl. 1). Further, Plaintiff claims that the FBI is using the Patriot Act "to create a discontinued federal program that was designed to destroy Black Americans and to establish worker's compensation fraud." (Compl. 2). Plaintiff also alleges that "the . . . Patriot Act mandate [sic] against me is to be setup to have untrue medical statements indicating that I am violent enough to be an enemy combatant which would require 24 hour surveillance." (*Id.*).

"A district court may, at any time, *sua sponte* dismiss a complaint for lack of subject matter

¹ The cover sheet of Plaintiff's Complaint alleges "Federal Civil Rights Statutes [sic] violations not being protected from Worker's Compensation Fraud from the [FBI]. (Compl., Cover Sheet).

jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations are “implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion.” *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). Pursuant to Federal Rule of Civil Procedure 12(b)(1), the Court finds that Plaintiff’s Complaint is implausible, frivolous and devoid of any merit on its face. Accordingly, the Court *sua sponte* DISMISSES Plaintiff’s Complaint for lack of subject matter jurisdiction.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 10, 2006.

s/Jonie Parker
Case Manager